



PLANNING COMMISSION AGENDA REPORT

VI. 1

MEETING DATE: MAY 29, 2007

ITEM NUMBER:

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION FOR PROPOSED VACATION OF
EXCESS PUBLIC RIGHT-OF-WAY
PAULARINO AVENUE BETWEEN AIRWAY AVENUE AND JWA**

DATE: MAY 17, 2007

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

The Engineering Division is proposing to vacate excess Paularino Avenue public right-of-way between Airway Avenue and property owned by John Wayne Airport (JWA).

This item was continued from the May 14, 2007 Planning Commission meeting.

RECOMMENDATION

Approve by adoption of Planning Commission resolution.

A handwritten signature in black ink, appearing to read "Mel Lee".

MEL LEE, AICP
Senior Planner

A handwritten signature in black ink, appearing to read "R. Michael Robinson".

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

ANALYSIS

At the request of JWA, the Engineering Division is proposing to vacate excess Paularino Avenue public right-of-way between Airway Avenue and property owned by JWA.

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires that public right-of-way or other real property cannot be vacated or abandoned without a finding being made that such vacation or abandonment conforms to the City's General Plan.

According to the information provided in the Engineering Division memo dated April 10, 2007 (copy is attached to this report), the affected excess public right-of-way has been determined to be unnecessary for public streets and highway purposes pursuant to Section 8323 of the Streets and Highways Code. Ingress and egress to adjacent properties will still be available via Airway Avenue. Utilities within the street will be reserved through a public utility easement until such time they can be relocated.

The proposed vacation is consistent with the City's General Plan because the portion of Paularino Avenue to be vacated is not on the City's Master Plan of Highways.

ENVIRONMENTAL DETERMINATION

This request is exempt from the provisions of the California Environmental Quality Act, under Class 12, Surplus Government Property Sales.

CONCLUSION

The proposed vacation of excess public right-of-way conforms to the City's General Plan.

Attachments: Draft Planning Commission Resolution
 City Engineer's Memo Dated April 10, 2007 with map exhibit

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

RESOLUTION NO. PC-07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE PROPOSED VACATION OF EXCESS PAULARINO AVENUE PUBLIC RIGHT-OF-WAY BETWEEN AIRWAY AVENUE AND JOHN WAYNE AIRPORT (JWA) CONFORMS TO THE CITY'S GENERAL PLAN

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the Costa Mesa City Council adopted the City of Costa Mesa 2000 General Plan on January 22, 2002; and,

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not acquire or lease real property nor abandon or dispose of any real property, nor construct a public building or structure in any county or city, until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto; and,

WHEREAS, the City of Costa Mesa proposes to vacate excess Paularino Avenue public right-of-way between Airway Avenue and property owned by John Wayne Airport (JWA), more particularly described on the attached exhibit; and,

WHEREAS, the Costa Mesa Planning Commission has reviewed the proposed abandonment.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby finds that the proposed abandonment of excess public right-of-way is in conformity with the adopted General Plan.

PASSED AND ADOPTED this 29th day of May, 2007.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 29, 2007, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission


CITY OF COSTA MESA

Department of Public Services/Engineering

INTER OFFICE MEMORANDUM

APR 11 2007

RECEIVED
CITY OF COSTA MESA
DEPARTMENT OF PUBLIC SERVICES

TO: Mike Robinson, Assistant Dev. Svs. Director
FROM:  Ernesto Munoz, City Engineer
DATE: April 10, 2007
SUBJECT: **Proposed Vacation of Excess Right-of-way**

At the request of Mr. Allan Murphy, Director of the John Wayne Airport (JWA), the Engineering Division is processing a request to vacate Paularino Avenue right-of-way located between Airway Avenue and the John Wayne Airport property. This portion of Paularino Avenue is not a through street and dead ends at the JWA property. This request is pursuant of JWA Administration's quest to enhance security access to the westerly side of JWA property. Paularino Avenue is not designated on the Master Plan of Highways and, therefore, is defined as a local street (60 feet wide).

The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions, and it has been determined that the subject right-of-way is unnecessary for public street and highway purposes pursuant to Section 8323 of the Streets and Highways Code. Ingress and egress to adjacent properties will still be available by public access provided by Airway Avenue. There are existing public utilities (sewer and electric) located within the easement area. The City has been requested to reserve a public utility easement to preserve the rights of these utilities within this area; until such time that they can be relocated. The City can reserve a public utility easement pursuant to Section 8330 of the Streets and Highways Code. Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. If the proposed vacation is approved and recorded, the subject property will revert back to the underlying fee title owner.

It is requested that the Planning Division provide a determination of consistency with the General Plan pursuant to Government Code Section 65402 and present the vacation of this excess right-of-way to the Planning Commission meeting of May 14, 2007, or sooner if the schedule allows. **Please submit a confirmation that this request has been received and scheduled.**

Thank you for your assistance on this project. If any further information is required, please contact Brad Edwards, Engineering Technician, at extension 5066.

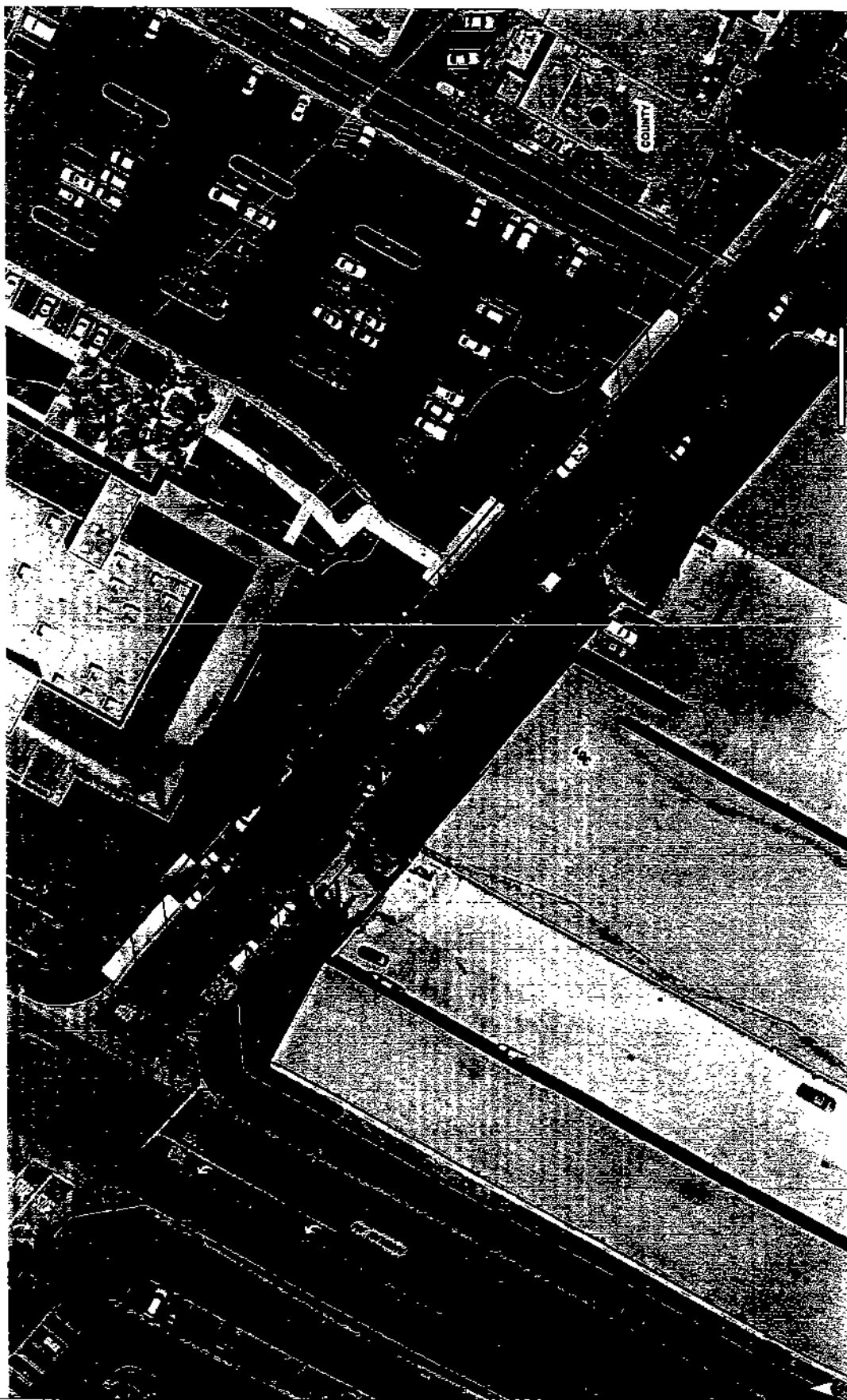
Attachment: Exhibit of Proposed Vacation of Excess Right-of-way

c: William Morris, Director of Public Services
Peter Naghavi, Transportation Services Manager
Dennis Johnson, Assistant Engineer
Brad Edwards, Engineering Technician III

Overview Map



Legend



PROPOSED
= AREA TO BE VACATED

